



# California Regional Water Quality Control Board

## San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

October 9, 2008

In reply refer to:  
CIWQS Place ID: 214695  
CIWQS Regulatory Measure ID: 172553

MCS Civic Center Plaza, LLC  
Attn: Mr. Matthew C. Strauss  
990 Highland Avenue, Suite 200  
Solana Beach, CA 92075

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 1140 0002 8456 9533**

Ralph Stone and Company, Inc.  
Attn: Messrs. Klein, Kahle, and  
Rowlands  
10954 Santa Monica Boulevard  
Los Angeles, CA 90025

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 1140 0002 8456 9540**

CMH Environmental Group, Inc.  
Attn: Mr. Carl Hulick  
2501 Chapman Ave., Suite 100  
Fullerton, CA 92831

**Certified Mail – Return Receipt Requested**  
**Registration Number 7008 1140 0002 8456 9557**

Dear Messrs. Strauss, Klein, Kahle, Rowlands, and Hulick:

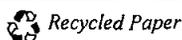
**SUBJECTS: NOTICE OF VIOLATION NO. R9-2008-0109 FOR FAILURE TO  
COMPLY WITH ORDER NO. R9-2003-0111, CIWQS REGULATORY  
MEASURE ID: 351484**

**INVESTIGATIVE ORDER NO. R9-2008-0110 TO MCS CIVIC CENTER  
PLAZA, LLC, CIWQS REGULATORY MEASURE ID: 351503**

**Subject Site: Mr. Terry One-Hour Cleaners Site, 431 North Escondido Boulevard,  
Escondido, CA (Site)**

Attached are Notice of Violation No. R9-2008-0109 (hereinafter NOV) and Investigative Order No. R9-2008-0110 (hereinafter Investigative Order) pertaining to remedial activities performed at and in the vicinity of a former dry cleaning facility (Mr. Terry One-Hour Cleaners) located at 431 North Escondido Boulevard, Escondido, CA (hereinafter Facility). The activities, conducted June 2004 through August 2006, were regulated under the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) Order No. R9-2003-0111 "General Waste Discharge

*California Environmental Protection Agency*



Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region" (hereinafter Order).

**Notice of Violation No. R9-2008-0109**

Based on detailed review of the submitted Order application (a.k.a. Report of Waste Discharge, RoWD) and subsequent reports, the Regional Board finds it necessary to issue the NOV since the remedial activities were performed in a manner that did not comply with Order Requirements. The NOV identifies Order Requirement violations identified to date and briefly discusses each violation. The Order No. R9-2003-0111 is available on the Regional Board Website at [http://www.waterboards.ca.gov/sandiego/board\\_decisions/adopted\\_orders/2003/2003\\_0111.pdf](http://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2003/2003_0111.pdf).

Failure to comply with requirements/conditions of an Order is serious and subjects you to potential liability that accrues for each day of violation. Therefore, I urge you to take steps to achieve compliance.

Note: the NOV is based on the limited information submitted to date, and it is possible that additional violations may be identified in the future.

**Investigative Order No. R9-2008-0110**

Historical disposal of dry cleaning waste from the Facility resulted in contaminated soil and ground water at and in the vicinity of the Facility (hereinafter Site). From June 2004 through August 2006, remedial activities involved subsurface discharges of two treatment agents. Documents submitted to date do not contain sufficient information that is necessary to determine if the discharges:

1. caused and/or threaten to cause conditions of pollution, contamination, and/or nuisance;
2. adversely affected water quality;
3. complied with provisions of the State Water Resources Control Board Resolution No. 68-16;
4. violated waste discharge prohibitions in the Regional Board Basin Plan;
5. caused the groundwater at or adjacent to the Site to exceed or threaten to exceed water quality objectives (hereinafter WQOs) that support designated beneficial uses;
6. adversely affected conditions in the subsurface environment; and
7. exacerbated conditions that existed in the subsurface environment prior to the remedial activities being performed.

The Investigative Order is issued by the Regional Board pursuant to the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code, Water Code) section 13267 to address the seven concerns noted above. **By 5:00 pm on December 17, 2008, you are required to submit a scientifically defensible technical report and historical documents/records that are required in the Investigative Order.**

Mr. Terry One-Hour Cleaners Site - 3 -  
Messrs. Strauss, Klein, Kahle, Rowlands, and Hulick  
NOV & Investigative Order  
Escondido, California

October 9, 2008

Water Code, section 13268(a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with section 13267(b).

Please note that the issuance of this Transmittal Letter, the NOV, and/or the Investigative Order do not in anyway extend any permit requirement deadlines. Additionally, as noted in the Order (Monitoring and Reporting Program No. R9-2003-0111, Monitoring Provision A.7.), the Regional Board is extending the retention period for all records pertaining to the Order and the subject activities until this matter is resolved to the satisfaction of the Regional Board.

If you have any questions regarding this letter, please contact Ms. Beatrice Griffey by phone at (858) 467-2728 or via e-mail at BGriffey@waterboards.ca.gov.

Sincerely,



Michael P. McCann  
Assistant Executive Officer

MPM:jc:mo:ma:cc:bg P:\Facilities\Facilities\Landfills\Sites\R9-2003-0111 Gen WDR\Sites\Mr. Terry One-Hour Cleaners\NoV Docs\NoV Trans WC.doc

**CIWQS Violation IDs:** 782458, 783126, 783128, 783129, 783130, 783131, 783132, 783133, 783143, 783148, 783150, 783151, 783154, 783155, 783157, 783158, 783161, 783162, 783163, 783165, 783166, 783167, 783168, 783346, 783348, 783349, 783350

**Attachments:**

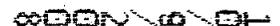
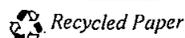
Notice of Violation No. R9-2008-0109 regarding violations of the California Regional Water Quality Control Board, San Diego Region Order No. R9-2003-0111 in the matter of Mr. Terry One-Hour Cleaners Site.

Investigative Order No. R9-0228-0110, An Order Directing MCS Civic Center Plaza, LLC, and Ralph Stone And Company to submit a technical report pertaining to the discharges of two treatment agents into the subsurface environment at the Mr. Terry One-Hour Cleaners Site, 431 North Escondido Boulevard, Escondido, California.

**CC:**

M.C. Strauss Company, Attn. Mr. Michael L. Rubin, Chief Operating Officer, 990 Highland Drive, Suite 200, Solana Beach, CA 92075

*California Environmental Protection Agency*



Mr. Terry One-Hour Cleaners Site  
Messrs. Strauss, Klein, Kahle, Rowlands, and Hulick  
NOV & Investigative Order  
Escondido, California

- 4 -

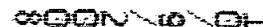
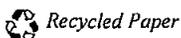
October 9, 2008

County of San Diego, Department of Environmental Health, Land and Water Quality  
Division, Attn: Ms. Carol Fenner, P.O. Box 129261, San Diego, California 92112-9261

State Water Resources Control Board, Office of Enforcement, Attn: Ms. Mayumi  
Okamoto, Staff Counsel, 1001 I Street, 16<sup>th</sup> Street, Sacramento, CA 95814

Coast Law Group, LLP, Attn: Mr. Marco Gonzalez, 169 Saxony Road, Suite 204,  
Encinitas, CA 92024

*California Environmental Protection Agency*





# California Regional Water Quality Control Board San Diego Region



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October 9, 2008

IN THE MATTER OF )

MCS Civic Center Plaza, LLC )  
Attn: Mr. Matthew C. Strauss )  
990 Highland Avenue, Suite 200 )  
Solana Beach, CA 92075 )

NOTICE OF VIOLATION  
NO. R9-2008-0109

Ralph Stone and Company, Inc. )  
Attn: Messrs. David Klein; )  
Richard Kale, P.E., R.E.A; and )  
James Rowlands, P.E., G.E. )  
10954 Santa Monica Boulevard )  
Los Angeles, CA 90025 )

CMH Environmental Group, Inc. )  
Attn: Mr. Carl Hulick )  
2501 Chapman Ave., Suite 100 )  
Fullerton, CA 92831 )

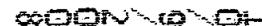
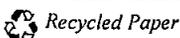
**Order No. R9-2003-0111 - "General Waste Discharge Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region"**

**Subject Site: Mr. Terry One-Hour Cleaners Site, 431 North Escondido Boulevard, Escondido, California**

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of the California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) Order No. R9-2003-0111, *General Waste Discharge Requirements for Discharges of Treated Groundwater From Volatile Organic Compound Cleanup Sites to Land in the San Diego Region* (hereinafter Order). Note that violations of the Order subjects responsible parties to possible enforcement action(s) by the Regional Board, including administrative enforcement orders to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in the amounts of \$15,000 per day per violation; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

*California Environmental Protection Agency*



On October 28, 2003, Ralph Stone and Company, Inc. submitted on behalf of MCS Civic Center Plaza, LLC, in its capacity as "environmental consultant of record for the property owner," an application for enrollment of the discharge of treated groundwater to land under the Order. The enrolled remedial activities were conducted June 2004 through August 2006 at and in the vicinity of a former dry cleaning facility (hereinafter Mr. Terry One-Hour Cleaners) located at 431 North Escondido Boulevard, Escondido, California. Based on the detailed review of submitted documents, the Regional Board identified numerous violations of several Order requirements, including Monitoring and Reporting Program No. R9-2003-0111 (hereinafter MRP, Order Attachment B) requirements. Following is a list of Order and MRP requirement violations noted to date and a brief discussion of each violation. Based on the limited information submitted to date, it is possible that additional violations may be identified in the future.

#### **SUMMARY OF ORDER VIOLATIONS:**

##### **Violation of Eligibility Requirement A.2.**

Failure to provide along with the Report of Waste Discharge (hereinafter RoWD), a written description of, or copies of written comments from the affected groundwater management entity, if any, affected public water systems, and the State Department of Health Services concerning the proposed discharge.

##### **Violation of Eligibility Requirement A.3.**

Failure to provide along with the RoWD, proof of notification of private well owners who own wells within 1,000 feet of the discharge point.

##### **Violation of Eligibility Requirement A.5.b.**

Failure to include in the RoWD, a sampling and analysis plan (hereinafter SAP) that identifies specific methods of analysis and quality assurance/quality control methods.

##### **Violation of Eligibility Requirement A.5.c.**

Failure to include in the RoWD a copy of the Interim Remediation Action Plan (hereinafter IRAP) or Corrective Action Plan (hereinafter CAP), including any conditions of implementation required by an oversight agency.

##### **Violation of Eligibility Requirement A.5.d.**

Failure to include in the RoWD a copy of the Site Conceptual Model (hereinafter SCM).

##### **Violation of Eligibility Requirement A.5.e.**

Failure to include in the RoWD a copy of laboratory analytical data of the concentrations of chemical constituents in the extracted and receiving groundwater.

**Violation of Prohibition Requirement B.1.**

Failure to comply with waste discharge prohibitions in the Basin Plan.

**Violation of Provision Requirement D.1.**

Failure to comply with the "Standard Provisions Applicable to Waste Discharge Requirements" (Order Attachment D).

**Violation of Monitoring and Reporting Requirement E.1.**

Failure to comply with the MRP.

**Violation of Monitoring and Reporting Requirement E.2.**

Failure to promptly submit relevant facts that were not submitted in the RoWD or any report. Failure to promptly submit corrected information that was presented in the RoWD or any report that following submittal was determined to be incorrect.

**Violation of Monitoring and Reporting Requirement E.3.**

Failure to submit written statement of actions, including a timetable, undertaken or proposed, to achieve compliance when Order requirements were not met.

**Violation of Monitoring and Reporting Requirement E.5.a.**

Failure to provide a RoWD signed by a principal executive officer or at least the level of vice president for a corporation.

**Violation of Monitoring and Reporting Requirement E.5.b.**

Failure to provide reports and information required by the Executive Officer that are signed by a principal executive officer or at least the level of vice president for a corporation or by a duly authorized representative of that person.

**Violation of Monitoring and Reporting Requirement E.6.**

Failure to provide documents that contain the required certification statement.

**Violation of Monitoring and Reporting Requirement E.7.**

Failure to submit required reports and other required information to:

Executive Officer  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
Attn: Supervisor, Tank Site Mitigation and Cleanup Unit.

**SUMMARY OF MRP VIOLATIONS:**

**Violation of Monitoring Provision Requirement A.1.**

Failure to acquire samples and measurements that are representative of the volume and nature of the discharge and receiving water.

**Violation of Monitoring Provision Requirement A.2.**

Failure to provide a laboratory report that is appropriately signed and certified.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.1.**

Failure to monitor receiving groundwater at a location unaffected by the discharge.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.2.**

Failure to monitor for and report on volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPH) in the treatment system influent and effluent, and receiving groundwater.

**Violation of Influent, Effluent, and Receiving Groundwater Monitoring Requirement B.6.**

Failure to monitor for and report on the constituents identified in MRP Directives B.3. and B.5. in the treatment system influent and effluent, and receiving groundwater.

**Violation of Reporting Requirement C.1.**

Failure to submit quarterly monitoring reports no later than 30 days following the end of each quarter.

**Violation of Reporting Requirement C.3.**

Failure to provide sufficient information in monitoring reports to demonstrate compliance with the discharge limitations in the Order.

**Violation of Reporting Requirement C.4.**

Failure to arrange monitoring data in a tabular form so that the date, constituents, concentrations, and monitoring locations are readily discernible; and summarized to demonstrate compliance with waste discharge requirements. Additionally, failure to report laboratory analytical data to the Geotracker data warehouse.

**Violation of Reporting Requirement C.5.**

Failure to submit reports under cover of a transmittal letter that summarizes the essential points of each report, and discusses any Order requirement violation(s) and action(s) taken or planned for correcting violation(s). If no violation(s) occurred, this was to be stated in the transmittal letter.

**Violation of Reporting Requirement C.6.**

Failure to include the required affirmation statement in each monitoring report.

**Violation of Reporting Requirement C.7.**

Failure to include the required certification statement in submitted documents.





MCS Civic Center Plaza, LLC is identified as a party responsible for the discharge because it is the current property owner of 431 North Escondido Boulevard, Escondido, California, it owned the subject property when the discharges occurred, and it contracted with an environmental consulting firm, RSC, to perform remediation activities.

RSC is identified as a party responsible because RSC's activities in performing remediation, while acting within the scope of employment and as the agent of MCS in the capacity as "environmental consultant of record for the property owner," caused or is suspected to have caused a discharge to groundwater that may have caused and/or threatened to cause conditions of pollution and/or nuisance at the subject property.

CMH is identified as a party responsible because CMH designed, installed, constructed, operated, and monitored the remedial system; generated Site specific submittals; tested the physical properties of the subsurface environment; performed duties as the Site Safety Officer during field activities; and provided the proprietary treatment agents that were used at the subject property. CMH performed activities that caused or is suspected to have caused a discharge to groundwater that may have caused and/or threatened to cause conditions of pollution and/or nuisance at the subject property.

- 3. Background:** From 1967 through approximately 1990, a dry cleaning facility (Mr. Terry One-Hour Cleaners, hereinafter Facility) operated in Unit 13 of a multiple-unit building located at 431 North Escondido Boulevard, Escondido, California. A Phase II type environmental investigation at and in the vicinity of the Facility demonstrated the presence of contaminated soils around a sewer lateral and an associated plume of contaminated groundwater. The Facility and the impacted environmental media (soil, groundwater, etc.) constitute the Site.

Commencing in February of 2002, MCS Civic Center Plaza, LLC contracted with RSC to perform investigative and remedial activities to address the adverse effects of historical practices conducted at the Facility. RSC is identified as the "environmental consultant of record for the property owner" in numerous submittals.

During April of 2002, MCS Civic Center Plaza, LLC purchased several acres of land at and surrounding the Facility.

On October 29, 2003, the Regional Board received an application from RSC, on behalf of the MCS Civic Center Plaza, LLC, requesting that the then-proposed discharge at the Site be regulated under Regional Board Order No. R9-2003-0111 ("*General Waste Discharge Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region*", hereinafter "Order"). An RSC employee signed the Form 200, dated October 28, 2003. On December 1, 2003, RSC submitted a check to the State Water Resources Control Board (SWRCB) for

\$1,800, the proposed discharge became enrolled under the Order, and the parties responsible as the entities enrolled under the Order became obligated to comply with the terms of the Order.

From June 2004 through August 2006, RSC and CMH conducted remedial activities at the Site to address subsurface contamination. According to reports provided by RSC, the remedial activities included mixing contaminated groundwater, a proprietary microbial mixture, and numerous additives (hereinafter treatment agent 1) in an above-ground treatment system (referred to as the "Nature Tank System" by CMH, hereinafter NTS). The proprietary microbial mixture consisted of garden-grade liquid urea and phosphorous, nutrients, trace minerals, microbes, oxygen, nitrogen, potassium, bacteria, and fungus. The liquid within the NTS was continuously discharged into the vadose zone via a drip-irrigation system. Additionally, a treatment agent of bacteria and distilled water (hereinafter treatment agent 2) was discharged into monitoring wells at the Site.

4. **Environmental Regulatory Oversight:** MCS enrolled in the Voluntary Assistance Program (VAP), which provides consultation, project oversight, report review, concurrence, and site closure letters for privately funded projects involving contaminated properties. The VAP is administered by the County of San Diego, Department of Environmental Health, Site Assessment and Mitigation Program (SAM).

The Regional Board is overseeing activities associated with the Order.

5. **Beneficial Uses:** The Site is within the Escondido Hydrologic Subarea (Basin Number 904.62), which has the following beneficial uses (BUs) of water resources designated in the *Water Quality Control Plan for the San Diego Basin* (Basin Plan, Tables 2-2 and 2-5):

Hydrologic Unit/Watershed	Hydrologic Subarea Basin No.	Designated Beneficial Use <sup>1</sup>
<b>Groundwater</b>		
Carlsbad HU	Escondido HSA 904.62	MUN
		AGR
		IND
<b>Surface Water</b>		
Escondido Creek WS	HU 904.62	MUN, AGR, REC1,
		IND (potential), REC2
		WARM, COLD, WILD

6. **Possible Conditions of Pollution and/or Nuisance:** The discharge of the two treatment agents is a discharge of waste that may have caused and/or threatened to cause conditions of pollution and/or nuisance at the Site; may have

1. According to the Basin Plan, beneficial uses are the uses of water necessary for the survival or well being of man, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals of mankind.

adversely affected conditions in the subsurface environment; may have caused the groundwater at or adjacent to the Site to exceed or threaten to exceed water quality objectives<sup>2</sup> (WQOs) that support the beneficial uses listed in Finding 5 above; and may have exacerbated conditions that existed in the subsurface environment prior to the remedial activities being performed. Additionally, the discharge may be a violation of the Regional Board Order, prohibitions in the Basin Plan, and the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code), section 13260.

- 7. Legal and Regulatory Authority:** This Investigative Order is based on (1) section 13267 of the Water Code; (2) applicable state and federal regulations (California Code of Regulations (CCR) Title 27, 40 Code of Federal Regulations (CFR)); (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Board and the Basin Plan adopted by the Regional Board, including BUs, WQOs, and implementation plans; (4) SWRCB policies, including SWRCB Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) and SWRCB Resolution No. 88-63 (Sources of Drinking Water); and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.

Water Code section 13267 provides:

“(b) (1) In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

- 8. Regulatory Basis and Necessity for Submittal of Technical Reports:** Pursuant to Water Code section 13267(a), the Regional Board may investigate the quality of any waters of the state within the Regional Board's boundaries. As part of the water quality investigation, Water Code

2. According to Water Code section 13050(h) "Water Quality Objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or prevention of nuisance within a specific area.

section 13267(b)(1) authorizes the Regional Board to require the submittal of a technical report with the caveat that the burden of the report bear a reasonable relationship to the need and benefits to be obtained from the report. A technical report is needed to provide information to the Regional Board about the nature of the two treatment agents and the effects of the discharges on water quality and the environment. The benefits to be obtained from a technical report include enabling the Regional Board to determine if additional environmental activities are necessary at the Site and/or if an enforcement action(s) is warranted. Based on the nature and possible consequences of the discharges (refer to Investigative Order Findings No. 1, 3, and 6 above) the burden of providing the required report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

- 9. California Environmental Quality Act (CEQA) Exemption:** This Order, which enforces the laws and regulations administered by the Regional Board, meets the CEQA (Public Resources Code section 21000, *et seq.*) Categorical Exemption outlined in section 15321 of CCR Title 14, the CEQA Guidelines.

**IT IS HEREBY ORDERED**, pursuant to section 13267 of the Water Code, **by 5:00 pm on December 17, 2008, MCS, RSC, and CMH are required to submit all the documents and records required in this Investigative Order.** MCS, RSC, and CMH are required to submit the required information to the best of their knowledge. In the event that the information being requested is entirely within the knowledge of one of the responsible parties, please respond to the request to the best of your knowledge and indicate the appropriate party who will submit the requisite documents and records.

This Order requires the submittal of a scientifically-defensible technical report (hereinafter Investigative Report) that presents the results of an investigation of the discharged treatment agents and the effects of the discharges on the environment at the Site (hereinafter Investigation), and complies with the following directives.

#### **A. INVESTIGATION OF DISCHARGES**

MCS, RSC, and CMH shall submit a Investigative Report that contains a detailed, comprehensive, and thorough discussion of the methods, approach, findings, conclusion(s), and recommendation(s) of the Investigation. The Report shall describe and report the findings of a scientifically-defensible technical investigation that:

1. Identifies primary and secondary constituents related to the discharges. *Primary constituents include: All the physical, chemical, and biological constituents in the treatment agents; and pollutants and naturally-occurring constituents (chemical and biological) in the subsurface environment at the Site. Pollutants include chemicals associated with the Facility and offsite sources; and the reaction, transformation, degradation (biotic and abiotic), and metabolic and co-metabolic by-products of*





making significant and/or substantive contributions shall be included in the report submitted by MCS, RSC, and CMH. The lead professional(s) shall sign and/or affix his/her license stamp to the report.

- 7. Laboratory Report** – If the Investigative Report contains laboratory analytical data, the submission of the complete Laboratory Analytical Report(s) is required. The Laboratory Report(s) must be signed by the *laboratory director and contain:*
- a. a complete sample analytical report,
  - b. a complete laboratory quality assurance/quality control (QA/QC) report,
  - c. a discussion of the sample and QA/QC data, and
  - d. a transmittal letters that shall indicate that all the analytical work was supervised by the director of the laboratory, and contain the following statement, "All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services and in accordance with current U.S. Environmental Protection Agency (USEPA) procedures."

**C. SUBMITTAL OF DOCUMENTS/RECORDS REQUIRED BY THE ORDER**

MCS, RSC, and CMH are required to submit the following documents/records that are required in the Order and the Monitoring and Reporting Program No. R9-2003-0111 (Order Attachment B, hereinafter "MRP"). These documents are to be appended to the required Investigative Report.

1. Contingency Plan required under Order Provision Requirement D.7.
2. Records of the calibration and maintenance of all monitoring instruments, devices, and equipment required under the MRP Monitoring Provision Requirements A.6 and A.7., and Order Attachment D (Standard Provisions Applicable to Waste Discharge Requirements) Requirement 15. Additionally, provide the annual written statements, signed by a registered professional engineer, certifying that all flow measurement devices were calibrated and were reliably accurate as required under Order Attachment D Requirement 15.
3. Records of all monitoring information required under MRP Monitoring Provision Requirements A.7. and A.8.
4. Records demonstrating the collection of a grab sample as required under MRP Monitoring Provision Requirement A.9.

#### D. DOCUMENTS/RECORDS TO BE FILED WITH THE REGIONAL BOARD

1. **Paper Copy of all the documents and records required in this Investigative Order – *By 5:00 pm on December 17, 2008, MCS, RSC, and CMH are required to submit a paper copy of all the documents and records required in this Order.***
2. **Electronic Format Reporting Requirements** - Beginning January 1, 2005, all reports submitted to the Regional Board by MCS, RSC, and CMH, pursuant to sections 13304 and 13267 of the Water Code, must be submitted in an electronic format. MCS, RSC, and CMH shall comply with electronic reporting requirements of Title 23 of the California Code of Regulations, Division 3, section 3893, including the provision that complete copies of all reports be submitted in PDF format, and include the signed transmittal letter and professional certification. ***By 5:00 pm on December 17, 2008, MCS, RSC, and CMH shall comply with these electronic reporting requirements.***

#### E. REPORTING TO THE REGIONAL BOARD

All the documents and records required in this Investigative Order shall be submitted in paper copy to:

Executive Officer

California Regional Water Quality Control Board, San Diego Region

9174 Sky Park Court, Suite 100

San Diego, CA 92123-4340

Attn: Supervisor Central San Diego County Groundwater Unit

#### F. NOTIFICATIONS

1. **Enforcement Discretion**--The Regional Board reserves its right to take any enforcement action authorized by law for violations of the terms and conditions of this Order.
2. **Enforcement Notification**-- Water Code section 13268(a)(1) provides that any person failing or refusing to furnish technical or monitoring report information as required by Water Code section 13267(b), or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly for an administratively imposed liability of up to \$1,000 per day for each day compliance is not achieved with an Order issued in accordance with subdivision 13267(b).
3. **Requesting Evidentiary Hearing by the Regional Board**  
Any person affected by this action of the Regional Board may request an evidentiary hearing before the Regional Board. The Regional Board's Executive Officer may elect to hold an informal hearing or a "paper hearing" in lieu of scheduling a hearing before the Regional Board itself. If you decide to request an evidentiary hearing, send your request to the Regional Board Executive Officer, Attn: Supervisor Central San Diego

County Groundwater Unit, at the address provided on the Investigative Order transmittal letter. Please consider the following carefully:

- a. The Regional Board must receive your request within 30 days of the date of this Order.
- b. Your request must include all comments, technical analysis, documents, reports, and other evidence that you wish to submit for the evidentiary hearing. However, please note that the administrative record will include all materials the Regional Board has previously received regarding this site. **You are not required to submit documents that are already in the record.**
- c. The Executive Officer or Regional Board may deny your request for a hearing after reviewing the evidence.
- d. If you do not request an evidentiary hearing, the SWRCB may prevent you from submitting new evidence in support of a SWRCB petition.
- e. Your request for an evidentiary hearing, if you submit one, does not stay the effective date of the Order, whether or not a hearing is scheduled.
- f. **A request for a hearing does not extend the 30-day period to file a petition with the SWRCB (see below).** However, we suggest that you ask the SWRCB to hold the petition in abeyance while your request for a hearing is pending (Refer to CCR Title 23 section 2050.5(d)). Additional information regarding the SWRCB petition process is provided below.

#### 4. Requesting Administrative Review by the SWRCB

Any person affected by this action of the Regional Board may petition the SWRCB to review the action in accordance with section 13320 of the Water Code and CCR Title 23 section 2050. The petition must be received by the SWRCB (Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812) within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

*I, Michael P. McCann, Assistant Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Water Quality Investigative Order issued on October 9, 2008.*

Ordered By:



Michael P. McCann  
Assistant Executive Officer  
October 9, 2008

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.87

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Sent To  
 CMH Environmental Group  
 Street, Apt. No., or PO Box No. 2501 Chapman Ave, Suite 100  
 City, State, ZIP+4  
 Fullerton, CA 92831

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 CMH Environmental Group  
 2501 Chapman Ave, Suite 100  
 Fullerton, CA 92831

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

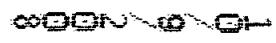
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7008 1140 0002 8456 9557



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Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$6.87	

Sent To  
 Ralph Stone, curd Company, Inc.  
 Street, Apt. No.;  
 or PO Box No. 10954 Santa Monica Blvd  
 City, State, ZIP+4  
 Los Angeles, CA 90025

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Ralph Stone and Company  
 Attn: Messrs. Klein, Kahle  
 Rowlands  
 10954 Santa Monica Blvd  
 Los Angeles, CA 90025

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

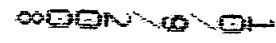
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7008 1140 0002 8456 9540



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MCS Civic Center Plaza, LLC  
 990 Highland Ave, Suite 200  
 Solana Beach, CA 92075

2. Article Number  
 (Transfer from service label)

7008 1140 0002 8456 9533

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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**OFFICIAL USE**

Postage	\$ 2.02
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.87</b>

Postmark Here

Sent To MCS Civic Center Plaza, LLC  
 Street, Apt. No., or PO Box No. 990 Highland Ave, Suite 200  
 City, State, ZIP+4 Solana Beach, CA 92075

PS Form 3800, August 2006

See Reverse for Instructions

